TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Michael Ake
Interim Chief of Police

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE:** November 11, 2021
Internal Affairs Section

SUBJECT: CITY CONDUCT COMPLAINT 21COM-0034

Complainant:
Mr. Roland Williams
2047 East 44th Street
Tacoma, WA 98404
253.230.3249

On April 2, 2021, Mr. Williams contacted the Tacoma Police Department regarding the actions of two Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 21COM-0034.

Allegation(s): Non- Discrimination Policy; Unsatisfactory Performance

COMPLAINT SUMMARY
Mr. Williams stated the officers incorrectly handled the incident as a civil matter and refused to investigate because of his race.

INVESTIGATION
The complaint was forwarded to the Operations Bureau, which reported the following:

On April 2, 2021, Mr. Williams contacted South Sound 911 (SS911) to lodge a complaint. Upon initial contact, Mr. Williams said the officers who responded to his call on January 14, 2021, improperly determined that his dispute with an auto repair shop was a civil matter. He claimed the auto shop owner lied to police and, since he believed the owner was committing fraud, wanted it investigated as such. Additionally, Mr. Williams claimed the officers made their decision the incident was a civil matter because he is African American and the auto shop owner is white.

In review of the Computer Aided Dispatch (CAD) log associated with this complaint, Officer Fallis noted that back in September 2020, Mr. Williams brought his truck to Mr. Slater, the shop owner, to have work done on it. Mr. Williams believed that much of the work was fraudulent, and did not want to pay the bill for $1,000. Mr. Slater stated he had been clear with Mr. Williams during prior communications, and it is Mr. Williams who is not following through with their agreement. Officer Fallis informed both parties that this is a civil matter to be settled by them or in court. No agreement could be reached while the officers were on scene. Mr. Williams was provided the incident number, and he left upset.

Mr. Williams was contacted by phone. He acknowledged he took his truck to the shop for repairs in September 2020. At the time of the interview, the truck had not been fixed. There was a dispute over how much he owed, which ranged from $600 to $1,046. He believed the shop owner lied to the officer, and the incident should be investigated criminally as fraud and obstructing due to the owner lying to the police. When it was suggested to Mr. Williams to seek relief via Small Claims, Better Business

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Bureau, or the Tacoma Chamber of Commerce, he replied that he had. He said the shop owner recently notified him the vehicle was scheduled to be auctioned or sold on April 10, 2021. Mr. Williams argued his point that the Tacoma Police Department (TPD) is wrong in considering it civil and not investigating his claim of fraud. He then said the officers based their decision on race because the business owner is white and he is African American. As the investigating supervisor was talking to Mr. Williams over the phone, a random citizen approached the supervisor seeking information. The supervisor briefly excused himself from his phone conversation with Mr. Williams to advise the citizen he would help them after his phone call. During that time, Mr. Williams told the supervisor that he obviously had more important things to do than to talk with him. Mr. Williams then abruptly hung up. The supervisor attempted to immediately call him back; however, the phone went to voice mail. The supervisor left a voice message for him to call back when available. At that time, Mr. Williams did not return the phone call.

Officer Fallis was interviewed regarding this complaint. He stated he responded to the scene of a dispute over the cost of repairs done to Mr. Williams' vehicle. Mr. Williams claimed it was fraud; however, it was in fact a civil dispute. Both he and Officer Walsh attempted to, with no success, assist in reaching an agreement between Mr. Williams and the business owner. They informed both parties that this was a civil dispute and would have to be taken to a civil court. Officer Walsh's statement agreed with Officer Fallis' account. Officer Walsh added that Mr. Williams stated there was a maximum dollar amount of authorized repairs, which Mr. Slater went over without approval. Mr. Williams also made mention that he would be back later to retrieve the vehicle by force.

Mr. Slater was contacted regarding this complaint. He said Mr. Williams brought his vehicle in to be repaired in September 2020. While troubleshooting, he discovered multiple problems with the vehicle. One of the parts that was bad, Mr. Williams said another repair shop had installed. He informed Mr. Williams of the problems. Mr. Williams said he would be able to pay at the end of the month. At the end of the month, Mr. Williams called and had an excuse for not paying for the vehicle repairs but said he would pay him the following month. At the end of that month, Mr. Williams had another reason he could not pay. This has continued since then. On January 14, 2021, Mr. Williams demanded his vehicle back without paying for the completed work. Mr. Slater refused and said Mr. Williams needed to pay the money owed. Mr. Williams then called police. Mr. Slater stated the officers were very polite and calm. On more than one occasion, they had to tell Mr. Williams he needed to calm down. Mr. Slater said the officers clearly explained to both parties that this was a civil matter, not a criminal one. They informed both parties of the option of taking the matter to small claims court. Mr. Williams was upset and left the scene.

Mr. Williams was recontacted on April 26, 2021. He expressed he did not make a complaint and only wanted the police to know that he was upset the officers did not take a fraud report. He said he now has the Attorney General's Office on board to investigate the fraud. At one point during the interview, Mr. Williams said he would not follow through with a complaint but after thinking about it, decided he would like to pursue the complaint. When asked if there was additional information to add to the complaint, he stated the officers refused to take a fraud report on what was clearly a fraud. He said he believed the officers did not take the report because he is African American. When asked what gave him that indication, he said the officers sided with the business owner because the business owner pays taxes, which in turn pays the officers' salaries. When asked if there was anything else that may indicate the officers made their decisions based on him being African American, he said the officers got his name and information during their initial contact with him, while they got the storeowner's information at the end of the incident.

Body worn camera footage was not available to be viewed because the cameras had not been issued to the officers at the time of this incident.

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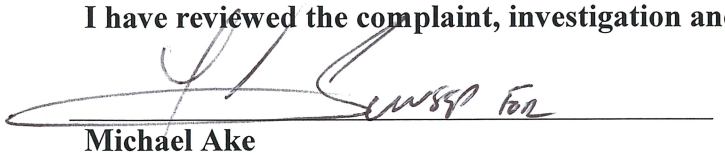
FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and witness as well as statements from Officer Fallis and Officer Walsh. The investigation was reviewed by the officers' chain of command. The allegation of Non-Discrimination Policy against the involved officers is concluded as **Not Sustained,** which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.* The allegation of Unsatisfactory Performance against the involved officers is concluded as **Exonerated,** which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Michael Ake
Interim Chief of Police

10/14/21

Date

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